

## DVBE Instructions / Forms

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### Disabled Veteran Business Enterprise Participation (DVBE) Information

#### DVBE Definition (for this document only)

- A California firm whose ownership, daily management, and operational controls meets all statutory DVBE certification requirements, as documented by the possession of a certification letter issued by the Department of General Services, Office of Small Business and DVBE Certification [OSDC](hereafter referred to as DGS).

#### California Requirements

- The State of California requires a three percent (3%) participation level in state contracts to further disabled veteran business enterprise (DVBE) participation in California.
- Only DVBEs, possessing a current DVBE certification issued by DGS, may be claimed for participation. Over 600 DVBE firms are presently certified.

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#### DHS Rights / Requirements

- Unless DVBE participation is exempted by DHS, a 3% DVBE participation level is required for all service contracts with a total value of \$10,000 or more.
- DHS reserves the right to exempt any contract from DVBE participation when it is determined to be in the Department's best interest to do so.
- DHS reserves the right to waive DVBE participation requirements at any time prior to the bid/proposal submission deadline. Said waivers may be announced by way of a faxed or written correction notice, administrative bulletin, or bid document addendum.

#### For answers or help, dial:

**(916) 650-0117**

- DHS reserves the right to waive "Good Faith Effort" advertising when DHS believes that bidding time lines do not permit sufficient advertising.
  - DHS reserves the right to contact bidders/proposers during the bidding/evaluation process to collect clarifying information or to request corrections, as necessary, to DVBE documentation.
  - **The accompanying instructions must be strictly followed.** Failure to do so may be grounds for bid/proposal disqualification.  
**Dial (916) 650-0117, if you have a question or need help.**
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## DVBE Instructions

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**Participation Requirements of this Solicitation**

- Each prime contractor must either achieve 3% DVBE participation **or** demonstrate that an adequate “Good Faith Effort” (GFE) was made to achieve DVBE participation.
  - Firms submitting bid responses with either less than 3% DVBE participation **and/or** a less than adequate GFE, will be deemed nonresponsive and ineligible to receive a contract award.
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**How to Calculate 3% Participation**

- Unless instructed otherwise in the bid document, first determine the total dollar value/amount that will be bid, then multiply this figure by 3% to determine how much of the contract budget should be spent on DVBE supplied services, labor, supplies, materials, or equipment.
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**How to Meet Participation Requirements**

1. ***If the prime contractor IS a DVBE***, commit to use your own workforce alone or in combination with other DVBEs to perform commercially useful services/functions equal to no less than 3% of the contract bid amount. If this fits your firm’s situation, do the following:

Go to page 7. On the form entitled “**Actual DVBE Participation**”, list your firm’s name, the name of other participating DVBEs, complete all items, and attach a copy of the DVBE certification issued by DGS to your firm and all other participating DVBE firms.

**OR**

2. ***If the prime contractor IS NOT a DVBE***, it must commit to use or subcontract out an amount equal to 3% of the total contract bid amount to qualified DVBE service providers and/or suppliers. If this fits your firm’s situation, do the following:

Go to page 7. On the form entitled “**Actual DVBE Participation**”, list the proposed DVBEs, complete all items, and attach a copy of each DVBE’s current DVBE certification issued by DGS.

**OR**

3. ***If the prime contractor IS NOT a DVBE, and the bid document is solely soliciting electronic data processing (EDP), information technology (IT), and/or telecommunications services, goods, supplies, equipment, and/or EDP and/or telecommunications services***, do the following:

Submit a copy of your firm’s “Notice of Approved DVBE Business Utilization Plan” issued by DGS’ Procurement Division (PD).

*Start right away,  
do not delay.*

*(Continued on the next page)*

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## DVBE Instructions

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### How to Meet Participation Requirements (continued)

Business Utilization Plans, when allowed, must be submitted to DGS' (PD) prior to the bid/proposal submission deadline and must be subsequently approved. ***Business Utilization Plans may not be submitted in lieu of actual DVBE participation or in lieu of performing the DVBE good faith effort process for construction or non-EDP or non-IT service contracts.***

*Start right away,  
do not delay.*

Instructions and additional information about Business Utilization Plans may be obtained from:

Department of General Services – Procurement Division  
Office of Small Business and DVBE Outreach and Education  
707 Third Street, 2<sup>nd</sup> Floor  
P.O. Box 989052  
West Sacramento, CA 95798-9052

or by calling:

DGS' Receptionist at (800) 559-5529 or (916) 375-4400

**OR**

- 4. Conduct all five (5) steps of the “Good Faith Effort (GFE)”** process to show what efforts were made to achieve DVBE participation. If your firm is not a certified DVBE or your firm cannot achieve a full 3% DVBE participation level of the total contract bid amount, do the following:

Go to page 4. Follow the instructions for each of the 5 good faith effort steps. Document your firm's GFE efforts on the form entitled “Good Faith Effort” appearing on pages 8 and 9.

*(Continued on the next page)*

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## DVBE Instructions

### GFE Steps / Instructions

**Document your GFE efforts on the form in this package entitled "Good Faith Effort".**

*Do not delay until the final days before your bid is due to start this process.*

*These five steps may require 4 weeks or more to complete.*

**NOTE:**  
This is a new requirement for DHS contracts →

1. Dial (916) 650-0117, the DHS Contract Management Unit voice mail telephone line, to obtain:
  - a. A referral to another state agency that provides a list of DVBE firms, publication resources, or other information.
  - b. Assistance in completing the DVBE forms in this package.
  - c. Answers to questions about DVBE participation and/or GFE documentation requirements.
2. Contact other state AND federal agencies AND local DVBE organizations for assistance in identifying potential DVBE service providers or suppliers.
  - a. Contact one or more California state agencies. The Office of Small Business and DVBE Certification (OSDC) program of DGS qualifies as one of these contacts. Dial DGS' live operator at (800) 559-5529 or (916) 375-4940; **OR** Dial DGS' 24-hour telephone recording line at (916) 322-5060 to obtain the current DVBE Resource Packet or visit DGS' Internet site at <http://www.dgs.ca.gov/osbcr> to download the complete list of certified DVBEs.
  - b. Contact one or more local California DVBE organizations listed in the DVBE Resource Packet.
  - c. Contact the Department of Defense Central Contractor Registration (CCR) for a listing of potential DVBEs via the following Internet site: <http://www.ccr.gov/>. SBA will not accept telephone contacts. Before using a DVBE referred by the Federal SBA to meet goal participation, verify that the named DVBE is registered with DGS as a certified California DVBE.
  - d. **Enter on the form entitled "Good Faith Effort":** Date/time of contact; name of organization contacted; contact method; and telephone number, e-mail, or Internet address. As proof of contacts at Internet websites, attach a copy of each Internet website page that you visit (e.g., DGS' OSDC and federal SBA).
3. Unless GFE advertising is waived by DHS due to time constraints, advertisements for DVBE service providers, subcontractors or suppliers must be placed in at least:
  - a. One "trade" publication related to a trade or industry, **and**
  - b. One "focus" publication whose ads are specifically distributed and focused to reach DVBE firms. **OR**
  - c. One publication that qualifies as both "trade" and "focus". See the DVBE Resource Packet for a listing of applicable publications.

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## DVBE Instructions

### GFE Steps / Instructions (continued)

**Document your  
GFE efforts on  
the form in this  
package entitled  
“Good Faith  
Effort”.**

*Do not delay until  
the final days  
before your bid is  
due to start this  
process.*

*These five steps  
may require 4 or  
more weeks to  
complete.*

### 3c. GFE advertising instructions (continued)

- 1) Ad placement may be specifically directed to publications that distribute their ads to businesses in the geographical areas where the work will be performed.

- 2) **Ads should appear in publications 10–14 calendar days** prior to the date your bid or proposal response is due to be submitted to DHS. Ads for DHS procurements do not need to be publicized for any specific length of time.

Give potential subcontractors/suppliers ample time (i.e., no less than 3-5 working days) to respond to your ad(s), while allowing your firm sufficient time to seriously consider each firm that responds.

- 3) **Ads should contain** information similar to the following:

[Enter your company name]  
Is seeking qualified DVBE vendors to provide  
[Enter description/list of services/supplies, etc.]  
in [Enter geographical service area/location, if applicable]  
for DHS IFB/RFP [Enter DHS IFB/RFP number or Project Name]  
Contact: [Enter your name, address, telephone number, fax number, and/or e-mail ID]  
Submit qualifications by: [date/time] or  
Submit bids by: [date/time]

- 4) Ads placed in general circulation newspapers including the *LA Times* or the *Sacramento Bee* are not acceptable.

- 5) If GFE advertising has not been waived by DHS, attach to the form entitled “**Good Faith Effort**” appearing on pages 8–9, either a copy of the ad(s) or a written description citing the exact wording of the ad(s). Indicate, in Step 3 on the Good Faith Effort form, the publication date, whether the publication is a trade publication, focus publication, or both, and whether an ad copy or written ad content is attached.

### 4. Transmit direct solicitations or invitations to bid to potential DVBEs, identified in Steps 2 and/or 3, by way of mail, telephone, personal e-mail, fax, or other method.

- a. Submit **a single sample** of one direct solicitation.

- b. If contact was by telephone, document the conversation, date of contact, person contacted, and business opportunities discussed.

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## DVBE Instructions

### GFE Steps / Instructions (continued)

**Document your  
GFE efforts on  
the form in this  
package entitled  
“Good Faith  
Effort”.**

*Do not delay until  
the final days  
before your bid is  
due to start this  
process.*

*These five steps  
may require 4 or  
more weeks to  
complete.*

**Participation  
and GFE forms  
appear in the  
pages that  
follow.**

### Use of Proposed DVBEs

- c. Submit a list of the DVBE firms to whom your firm transmitted direct solicitations (i.e., bidders list). Include each firm's name, address and telephone number.

### 5. Show that the interested DVBE firms that responded to your ad(s) and/or direct solicitations were considered.

Bidding firms are strongly encouraged to achieve full or partial DVBE participation, when performing the GFE process.

- a. List the DVBE firms that responded to your ad(s) or direct solicitations, if any. If no responses are received, indicate “none”, as instructed in Step 5 on page 9.

**For each DVBE listed in Step 5 on page 9, indicate if your firm:**

- 1) **WILL USE** the DVBE for a specific percentage amount of your bid. For each firm you will use, do the following:

List the name of these DVBEs on the form entitled “**Actual DVBE Participation**”. Indicate whom the DVBE will contract with, the nature of their services or supplies, the claimed percentage of use, and their contracting tier. Attach, to this form, a copy of the current DVBE certification issued to the DVBE by DGS.

**OR**

- 2) **WILL NOT USE** the DVBE after giving consideration to such things as the DVBE's qualifications, availability, capacity to perform/deliver, location, reference checks, and/or the services offered or goods supplied, etc.

For each of these firms, indicate, in Step 5 on page 9, the business reason(s) for not choosing to use the DVBE.

If awarded the contract, the selected contractor must faithfully use each DVBE proposed for use and identified on the form entitled “**Actual DVBE Participation**”. Exceptions are only allowed if the contractor submits a Request for Substitution to the DHS Program Contract Manager and that request is subsequently granted by DHS.

Substitution instructions appear in the “Special Terms and Conditions” exhibit clause entitled “Use of Disabled Veteran Business Enterprises”. A copy of this exhibit is attached to the bid document and/or will be attached to the contract.

*(Continued on the next page)*

## ACTUAL DVBE PARTICIPATION

NAME OF DVBE FIRM PROPOSED FOR USE (Prime is to enter its own name, if the Prime is a certified DVBE)	FIRM THAT DVBE WILL CONTRACT WITH (Prime is to enter "Self", if the Prime is a certified DVBE)	NATURE OF WORK OR GOODS TO BE PROVIDED BY DVBE	DVBE % Claimed	TIER (See legend below)

### DVBE % Claimed: [Revised Feb. 2003]

Enter the percentage level of actual DVBE participation met, regardless of whether or not a full three percent (3%) of the total contract bid amount was achieved. **Participation may be expressed as a partial/fractional decimal percentage.** Do not enter any dollar figures in the "DVBE % Claimed" column. The budget sheets, if required, that are submitted in your proposal when responding to an RFP should reflect the DVBE service providers identified above, unless you are uncertain of the budget period in which the DVBE will be used.

**TIER =**      0 = Prime Contractor      1 = Subcontractor/Supplier to the Prime      2 = Subcontractor/Supplier to Level 1  
                 3 = Subcontractor/Supplier to Level 2, etc.

**Attach to this form, a copy of the current DVBE certification** issued by DGS for each DVBE listed in the first column. If a new or renewed certification request was recently approved by DGS, but the confirming certification has not yet been received, place a footnote next to the DVBE's name and indicate on this form "Cert Pending" or "Cert To Follow".

Unless specifically indicated in the bid document, DHS will not accept state or federal business utilization plans in lieu of meeting DVBE participation and/or GFE requirements.

***If necessary or desired, this form may be photocopied or reproduced in a like form for use in your bid response.*** If you choose to render a like copy by computer or other means, the instructions appearing on pages 1–6 may be omitted.

Please do not return or include in the bid response, a copy of the DVBE instructions preceding this form.

<b>Bidding/Proposing Firm's Name</b>	<b>Signature</b>
Printed Name/Title	Date

## GOOD FAITH EFFORT

## Steps 1 and 2

Show the date and method of contact with DHS **and** show the contacts made with one or more other California state agencies **and** the Federal SBA **and** one or more California local DVBE organizations (see DGS' Resource Packet).

DATE OF CONTACT	TIME OF CONTACT	NAME OF AGENCY OR ORGANIZATION CONTACTED	CONTACT METHOD (Enter voice mail, internet access, or name of person contacted)	PHONE NUMBER, E-MAIL, OR WWW ADDRESS
		Dept. of Health Services		(916) 650-0205
		Dept. of General Services' Small Business and DVBE Certification	Voice mail	(916) 375-4940 (800) 559-5529
		Dept. of General Services' Small Business and DVBE Certification	Internet access **	dgs.ca.gov/osbcr
		Dept. of Defense Central Contractor Registration (CCR)	Internet access only **	http://www.ccr.gov
			** Attach one copy of each Internet website page that you visit as proof of this portion of your good faith effort.	

## Step 3

Show proof of advertising in one trade and one DVBE focus publication, **OR** one publication qualifying as both a trade and a DVBE focus publication. Be certain to attach the appropriate ad copies or other cited documentation.

NAME OF PUBLICATION SOURCE	PUBLICATION DATE(S)	TYPE OF PUBLICATION Check the one that applies.			COPY OF AD ATTACHED	AD CONTENT ATTACHED
		Trade	Focus	Both		

## Step 4

Show proof that direct invitations to bid were transmitted to potential DVBEs by way of mail, telephone, personal e-mail, fax, or other method.

A. Attach, to this form, a **single sample** of an invitation to bid or solicitation that was transmitted directly to potential DVBEs. You may attach:

- One copy of the letter used to solicit bids from potential DVBEs, **or**
- One copy of the narrative content of an e-mailed invitation to bid sent to potential DVBEs, **or**
- A description of the verbal dialog with potential DVBEs, including date of contact, person contacted, and business opportunities discussed.

B. Attach to this form a copy of the DVBE bidder list. This is the list of DVBE firms to whom direct solicitations or invitations to bid were transmitted.

- Include each DVBE firm's name, address, and telephone number.

(Continued on the next page)



**GOOD FAITH EFFORT** (continued)

### Step 5

Show that your firm has considered the interested DVBE firms that responded to your firm's ad(s) and/or direct solicitations. If no responses were received, indicate "none" on the first line of Column 1.

[illegible]

## Completion Instructions [Revised Feb. 2003]

For each entry in Column 2A, transfer the firm's name and claimed percentage value to the form entitled "Actual DVBE Participation". Complete Column 2A, only for those DVBEs that your firm fully intends to use. An entry in Column 2A will impose an obligation on your firm to use the DVBE firm shown for the percentage value claimed. **Participation may be expressed as a partial/fractional decimal percentage.**

Place an "X" in Column 2B for each interested DVBE that your firm does not intend to use.

Complete Column 3 for each "X" placed in Column 2B. In Column 3, indicate the business reason(s) for not selecting the DVBE firm.

***If necessary or desired, this form may be photocopied or reproduced in a like form for use in your bid response.*** If you choose to render a like copy by computer or other means, the instructions appearing on pages 1–6 may be omitted.

Sole authority rests with DHS to determine whether or not a bidder/proposer has successfully documented actual DVBE participation and/or whether a bidder/proposer has made an adequate GFE to achieve participation. Bidders/proposers may, at their sole option, choose to submit both forms in this package (documenting both full participation and a GFE) as insurance against a finding that the actual participation claimed is unacceptable.

Should a bidder/proposer choose to do so, it may fax its proposed DVBE participation and/or Good Faith Effort forms to DHS at (916) 323-4091 for a preliminary acceptance review, prior to submitting these forms in a bid/proposal response. Do not transmit any other bid response materials to this telephone number. Preliminary DVBE acceptance reviews will be completed within 3 working days of receipt.

Bidding/Proposing Firm's Name		Signature	
Printed Name/Title			Date